allegedly being unpatentable over claims 1-16 of U.S. Patent No. 6,178,433, issued to Nakamura

et al. (hereinafter "Nakamura").

Applicants traverse the rejections of claims 7-12 and 27-31 as follows.

II. Claim Rejections -- 35 U.S.C. § 103(a)

Claims 7-12 and 27-31 stand rejected under 35 U.S.C. § 103(a) as allegedly being

unpatentable over Brown in view of Benedikt.

A. *Claim 7*

Independent claim 7 recites "generating a page of presentation material in response to a

request for said first information, wherein the page is generated based on the first presentation

layout and includes said first information and does not contain said second information". The

Examiner asserts that Brown discloses this recited feature. For example, the Examiner asserts

that in Fig. 1.4, on page 10 of Brown, "when a user selects NFL from the list of items on the left

side and, only the information about NFL is displayed on the right side of the page; the

information of Cyberspace Showdown III or Raider's Fan Wins Contest! are not shown".

Furthermore, the Examiner asserts that in Fig. 7.15 of Brown, "in response to a request for an

information, which is a link, on the list of people displayed on the left side, and only the resume

of the selected person Doug Folsom is displayed on the right side, the resume of Carol Guttery is

not shown on the right side".

Applicants respectfully disagree with the Examiner's characterization of both Fig. 1.4 and

Fig. 7.15 of Brown.

First, neither figure of Brown illustrates the generation of a web page. At best, these figures illustrate the displaying of web pages. Displaying a stored web page is not the same as dynamically generating a web page, such that multiple simultaneous presentation areas can be generated and managed. *See, e.g.,* Applicants' page 10, lines 10-14; *c.f.* S140 and S160 of Fig. 5.

Furthermore, the Examiner continues to rely on the static image 1.4 of Brown to assert that selection of "NFL" from the list of items on the left side of the page causes only information related to the NFL to be displayed on the right side of the page. It is not entirely clear to what "NFL" on the left side that the Examiner is referring, but even assuming *ad arguendo* that a hyperlink labeled "NFL" appeared on the left, there is no way to associate the information on the right side of web page to the selection of such a link solely from a static figure (*i.e.*, without an inspection of the underlying code). Indeed, all of the information on this web page is apparently related to the National Football League (NFL), since it represents the NFL's home page (*see, e.g.,* the page's URL). Even further, the entire home page itself is not displayed in Fig. 1.4 (*see, e.g.,* the unfilled vertical scroll bar). Thus, one exemplary approach that refutes the Examiner's assertion that a user would have no way to get any further detailed information on these topics (in ¶ 8 of the Office Action), is to simply have the user scroll down.

This also contradicts the Examiner's unsupported conclusion that information on Cyberspace Showdown III and Raiders' Fan Wins Contest! are not shown, in that this additional information might be contained further down the page. Indeed, it is possible to use hyperlinks to link to additional information on the same page. For example, the underlying code might reveal an html tag of <A HREF="#winner">Raiders' Fan Wins Contest!</A>, which could link to

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additional information somewhere else on the (same) web page. Thus, there is no guarantee that

Fig. 1.4, which is only partially illustrated and which does not reveal its underlying code,

represents a page that includes said first information and does not contain said second

information.

Similarly, Fig. 7.15 fails to reveal the entire content in either its left frame or its right

frame, or the underlying code for either frame. Furthermore, Fig. 7.15 uses frames (*see, e.g.,* the

discussion in Brown appearing above Fig. 7.15). Indeed, Fig. 7.15 is very similar to Applicants'

Fig. 2, which illustrates frames produced by a frames-capable web browser, as know in the prior

art. Thus, Fig. 7.15 fails to address the various problems associated with the frame-based

approach as identified, for example, at Applicants' page 9, lines 16. Furthermore, each frame's

information can be stored in a separate file. *See, e.g.,* Applicants' page 7, lines 10-11. Finally, as

discussed above, Fig. 7.15 fails to teach or suggest generation of a web page, as contrasted with

the mere presentation of a web page (or frame). *See, e.g.,* Applicants' page 10, lines 10-14; *c.f.*

S140 and S160 of Fig. 5.

Thus, Brown fails to teach or suggest the feature of "generating a page of presentation

material in response to a request for said first information, wherein the page is generated based

on the first presentation layout and includes said first information and does not contain said

second information", as recited in claim 7.

The Examiner acknowledges that Brown fails to teach or suggest the features of

"defining, in a first portion of the [single] file, a first variable equal to first information and a

second variable equal to second information" and "defining, in a second portion of the [single]

file, first and second presentation layouts, wherein said first presentation layout includes said

first variable and said second presentation layout includes said second variable", as also recited

in claim 7. Instead, the Examiner asserts that Benedikt makes up for these acknowledged

deficiencies of Brown.

In particular, the Examiner asserts that Benedikt discloses "defining variables in the

HTML code of a web document for different data". *See* Benedikt at col. 8, lines 27-44 and col.

11, lines 2-15. Benedikt describes a language for generating program code for world wide web

service applications. *See, e.g.,* Abstract of Benedikt. However, Benedikt does not make up for

the deficiencies of Brown, as noted above.

For example, Benedikt fails to teach or suggest "defining, in a first portion of the [single]

file, a first variable equal to first information and a second variable equal to second information"

and "defining, in a second portion of the [single] file, first and second presentation layouts,

wherein said first presentation layout includes said first variable and said second presentation

layout includes said second variable", as recited in claim 7. To the contrary, Benedikt discloses

the use of two or more separate files. *See, e.g.,* col. 4, lines 4-10 of Benedikt. Indeed, a single

service-logic program file describes the control flow and computation aspects of the service,

including, for example, variable declarations. *See, e.g.,* col. 4, lines 4-10; col. 4, line 42 to col. 5,

line 16; col. 8, lines 44-46 of Benedikt. Additionally, one or more extended HTML files

describe layout information for particular pages to be displayed. *See, e.g.,* col. 4, lines 4-10; col.

5, lines 13-55 of Benedikt. This use of separate files for defining variables and for defining layouts actually teaches away from the claimed invention.

Furthermore, Benedikt also fails to teach or suggest "generating a page of presentation material in response to a request for said first information, wherein the page is generated based on the first presentation layout and includes said first information and does not include said second information", as recited in claim 7. To the contrary, the generation referred to in Benedikt results from the compilation of the aforementioned two or more documents, but not in response to a request for the first information. *See, e.g.,* col. 3, lines 40-55 of Benedikt. Furthermore, the actual generation of the pages conforming to the compiled one or more extended HTML files are not predicated on a request for the first information, but instead conform to the flow that was provided in the separate service-logic program file. *See, e.g.,* col. 4, line 39 to col. 5, line 57 of Benedikt. Even further, example 2 of the fancy greeting service program described in Benedikt, illustrates a page conforming to the first layout that includes the first information (first name) and also includes the second information (last name), in contrast to the features recited in claim 7.

Thus, claim 7 is patentable over any reasonable combination of Brown and Benedikt for at least the above exemplary reasons.

B. Claims 8-10

Claims 8-10 are patentable over Brown in view of Benedikt at least by virtue of their dependency.

C. Claims 11-12

The Examiner, noting claims 11-12 are for a system of method claims 7-10, rejected claims 11-12 under the same rationale. Therefore, Applicants traverse the rejection of claims 11-12 based on a rationale analogous to that discussed above for claims 7-10.

D. Claims 27-31

The Examiner, noting claims 27-31 are for a computer readable medium of method claims 7-10, rejected claims 27-31 under the same rationale. Therefore, Applicants traverse the rejection of claims 27-31 based on a rationale analogous to that discussed above for claims 7-10.

For at least the above exemplary reasons, claims 7-12 and 27-31 are patentable over Brown in view of Benedikt.

III. Claim Rejections -- Obviousness-type Double Patenting

Claims 7-12 and 27-31 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-16 of Nakamura. The instant application was filed as a divisional of Nakamura on January 10, 2000. Applicants submit herewith a terminal disclaimer, thereby overcoming this grounds of rejection.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/479,999
Attorney Docket No. A7631

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

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Respectfully submitted,

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Date: January 9, 2003